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HOUSE BILL 3170 By
McMillan

SENATE BILL 3204
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 50, Part 1, relative to protection of state employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 1, is amended by adding the following as a new appropriately designated section:

8-50-1___. (a) It is the intent of the general assembly that state employees shall be encouraged to report verbally or in writing to their supervisor, department head, or other appropriate authority, evidence of activity by a state agency or state employee constituting:

- (1) A violation of state or federal law, rule or regulation;
- (2) Fraud;
- (3) Misappropriation of state resources;
- (4) Substantial and specific danger to the public health and safety; or
- (5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

It is the further intent of the general assembly that state employees be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative panels.

(b)(1) No head of any state department, agency or institution or other state employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a state employee regarding the state employee's compensation, terms, conditions, location or privileges of employment because the state employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in subsection (a), unless the state employee knows or has reason to believe that the report is inaccurate.

(2) No state employee shall retaliate against another state employee because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, any activity described in subsection (a).

(c)(1) No head of any state department, agency or institution or other state employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a state employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the state employee has refused to carry out a directive which may constitute a violation of state or federal law, rule or regulation, or poses a substantial and specific danger to the public health and safety.

(2) No state employee shall retaliate against another state employee because the employee has refused to carry out a directive which may constitute a violation of state or federal law, rule or regulation, or poses a substantial and specific danger to the public health and safety.

(d) Any state employee injured by a violation of subsection (b) or subsection (c) may maintain an action in circuit or chancery court for damages, an injunction, or other remedies provided in this section against the person or agency who committed the violation within one (1) year after the occurrence of the alleged violation of this section.

(e) A court, in rendering a judgment in an action brought pursuant to this section, may order an injunction, damages, reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, costs, reasonable attorney's fees or any combination thereof. If an application for a permanent injunction is granted, the employee shall be awarded costs and reasonable attorney's fees. If in an action for damages the court finds that the employee was injured by a willful violation of this section, the court shall award as damages three (3) times the amount of actual damages plus costs and reasonable attorney's fees against the individual or individuals found to be in violation of this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.